

HOUSE BILL 3328

By Brown

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 8, relative to authorizing establishment of the Tennessee Black Cultural and Heritage Initiative and its related foundation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following as a new chapter 54:

4-54-101. The secretary of state is authorized to establish a nonprofit, educational and charitable organization to be known as the Tennessee black cultural and heritage initiative foundation. The foundation shall be devoted to the sponsoring of activities and the raising of funds for the establishment, support and promotion of the Tennessee black cultural and heritage initiative pursuant to § 4-54-105. The foundation shall be incorporated as a Tennessee nonprofit corporation pursuant to title 48, and organized and operated in such manner as to be eligible under applicable federal law for tax-exempt status and for the receipt of tax-deductible contributions, and shall be authorized to sue and to be sued as a legal entity separate from the state of Tennessee.

4-54-102.

(a) The Tennessee black cultural and heritage initiative foundation shall be governed by a board of trustees consisting of the following twenty-five (25) members:

(1) The secretary of state or designee;

(2) Five (5) state employees or special state officers, who shall be selected from, and appointed by the secretary of state to represent any or all, of the following state partner organizations:

(A) Tennessee arts commission;

(B) Tennessee historical commission;  
(C) Tennessee state museum;  
(D) Department of education;  
(E) Department of tourism;  
(F) Department of economic and community development;  
(G) Department of transportation;  
(H) Any other state agency or instrumentality partnering,  
assisting or supporting the purposes of the foundation; and

(3)

(A) Nineteen (19) public members, selected from a broad cross-section of the views and interests of the community and the member organizations of the foundation, including educators, clergy, civic and business leaders; philanthropists; visual, creative and performing artists; representatives of black arts, history and cultural organizations; and persons having knowledge of, expertise in, or commitment to preserving Tennessee's black cultural heritage.

(B) Five (5) of the public members shall be appointed by the secretary of state upon formation and incorporation of the foundation. Thereafter, at least four (4) more public members shall be elected by the nonprofit cultural organizations that become members of the foundation, and the remaining public members shall be nominated by a nominating committee of the board of trustees and appointed by the board of trustees.

(b) The state partner members of the board of trustees appointed pursuant to this subsection shall serve at the pleasure of the secretary of state.

(c) The term of office of each public member shall be three (3) years, with each member continuing to serve upon expiration of the term until replaced.

Three (3) of the initial public members appointed by the secretary of state and two (2) of the public members initially elected by member organizations shall serve initial terms of two (2) years.

(d) Vacancies shall be filled and replacements made as provided in the bylaws of the foundation.

4-54-103. The foundation's board of trustees shall be authorized, within the limits of its own funds, to employ an executive director and professional, technical and administrative personnel. Employees of the foundation shall not be construed to be employees of the state. The board shall also be authorized to contract for such professional and administrative services as it shall deem necessary. No member of the board of trustees shall engage in any business transaction or professional activity for profit with the department of state.

4-54-104. The secretary of state shall be an incorporator of the foundation. Upon the incorporation of the foundation and the establishment of the first board of trustees, the board shall adopt bylaws setting forth the structure, offices, powers and duties of the foundation. The secretary of state shall serve as the initial co-chair of the board of trustees.

4-54-105. All funds received by the foundation, other than those necessary to pay the expenses of the foundation, shall be used exclusively for the establishment, support and promotion of the Tennessee black cultural and heritage initiative. The Tennessee black cultural and heritage initiative shall be an alliance of organizations and

institutions that comprise the black arts, history and culture communities in this state for the purpose of broadening, deepening and diversifying statewide participation in and appreciation for black arts, history and culture. The duties and goals of the initiative shall be to:

(1) Promote understanding and appreciation of the history and artistic and cultural contributions of people of African descent;

(2) Provide guidance, support and resources for new and emerging black arts and historical groups and increase the level of organizational capacity and program administration of established groups;

(3) Increase funding and audiences for local black culture and heritage tourism and enrich black culture and heritage tourism programming;

(4) Increase and attract corporate sponsorship and participation in black culture and heritage programming and tourism;

(5) Increase opportunities for young people to learn about and experience black arts, history and culture in schools and youth organizations;

(6) Invest in future generations of black artists and historians by providing leadership development activities, apprenticeships, mentorships, scholarships and cultural programs;

(7) Enhance computer and Internet access and usage within the black community;

(8) Ensure the financial viability of the initiative through a network of community partners, advocates and supporters, including, but not limited to, celebrities, philanthropists, legislators, state and local leaders and corporations; and

(9) Any other duties and goals deemed appropriate.

4-54-106. The department of state is authorized to provide financial assistance and those services of employees of the state which may be required to form and incorporate the foundation within the limits of funds appropriated to the department of state or made available to the department of state by contribution, gift, donation or otherwise for these purposes. Once the foundation is incorporated, it may apply for grants in aid from any department or instrumentality of the state.

4-54-107. All expenses incurred by the foundation shall be payable from funds raised by the foundation, and no liability or obligation, in tort or contract, shall be incurred by the state for the operation of the foundation. The foundation shall obtain private counsel, and shall not be represented by the attorney general or indemnified by the state.

4-54-108. A certified public accountant shall be selected by the foundation to annually audit the foundation's funds. The foundation shall contract for and receive such audit annually, and shall submit the audit to the secretary of state and to the comptroller of the treasury.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.